

DETAILED ACTION

1. Claims 1-17 are pending in the instant application. Claims 18 and 21-28 were cancelled by preliminary amendment filed on February 24, 2005. Claims 19, 20 and 29 cancelled by amendment filed on January 11, 2008.

Response to Amendment

2. The amendment to the claims filed on January 11, 2008 was considered. The grounds of rejection/objection set forth in the office action dated October 16, 2007 are moot in view of Applicant's amendment. Therefore, the claim objections and 35 USC 112 1st paragraph rejections are withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard C. Billups on February 25, 2008.

The application has been amended as follows:

Claim 16. On page 9, add period after the entry:

“ 57 (2S)-2-(4-fluoro-3-({1-(5-methoxy-1,2-benzisoxazol-3-yl)-2-methyl-5-(trifluoromethoxy)-1H-indol-3-yl}oxy)phenoxy)butanoic acid ”

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance. The instantly claimed compounds are novel and non-obvious over the prior art because of the structural limitation $R^3=3\text{-benzisoaxazolyl}$.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSIONS

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUN JAE Y. LOEWE whose telephone number is (571)272-9074. The examiner can normally be reached on M-F 7:30-5:00 Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SL
2-25-2008

/Joseph McKane/
Supervisory Patent Examiner
Art Unit 1626